

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

AARON BLAKE ROBERTSON,	:	
Plaintiff,	:	
	:	
v.	:	No. 24-cv-1381
	:	
JACQUELYN E. PFURSICH,	:	
Defendant.	:	

O R D E R

AND NOW, this 31st day of May, 2024, upon consideration of Aaron Blake Robertson's Motion to Proceed *In Forma Pauperis* (ECF No. 5), Prisoner Trust Fund Account Statement (ECF No. 6), and *pro se* Amended Complaint (ECF Nos. 7 and 8), and for the reasons set forth in the Memorandum Opinion issued this date, it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* (ECF No. 5) is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Aaron Blake Robertson, #QP-4780, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Dallas or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Robertson's inmate account; or (b) the average monthly balance in Robertson's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Robertson's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding

month's income credited to Robertson's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent of SCI Dallas.
4. The Amended Complaint is **DEEMED** filed.
5. The Amended Complaint is dismissed for the reasons stated in the Court's Memorandum as follows:

- a. The federal access to the courts claim against Jacquelyn E. Pfursich, is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(E)(2)(B)(ii) as barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). The dismissal is without prejudice to Robertson filing a new case *only* in the event his underlying conviction is reversed, vacated, or otherwise invalidated.

- b. All state law claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction. The dismissal is without prejudice to Robertson's right to reassert those claims in state court if he chooses to do so

6. The motion for an extension of time to file an Amended Complaint (ECF No. 4) is **DENIED AS MOOT**.

7. The Clerk of Court is **DIRECTED** to **CLOSE** this case.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.
United States District Judge